

REMARKS

The enclosed is responsive to the Examiner's Office action mailed on February 13, 2003. At the time the Examiner mailed the Office action: 1) claims 12 through 31 and 33 through 44 were pending; and, 2) claims 33 through 44 were allowed. By way of the present response the Applicant has amended claim 21 but has not added or canceled any claims. As such, claims 12 through 31 and 33 through 44 remain pending. The Applicant thanks the Examiner for the allowance of claims 33 through 44 and respectfully requests reconsideration of the present application for the purposes of allowing remaining claims 12 through 31.

The Examiner has rejected independent claim 12 under 35 USC 103 as being obvious under the combination of US Patent No. 6,078,595 (hereinafter, "Jones") and US Patent No. 6,373,837 (hereinafter, "Kleyman"). "To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations." MPEP 2143

Applicant's claim 12 recites in part:

a switch card interface having inputs/outputs in an arrangement that functionally mates to an ATM switch card and that functionally mates to a SONET switch card

The Applicant respectfully submits that the combination of Jones and Kleyman fail to disclose, teach or suggest the above cited claimed subject matter.

In the Examiner's Office Action mailed 2/13/03 the Examiner stated that "Kleyman teaches: a housing for SONET and ATM cards to be placed (Col 3, lines 60-67)". See, Examiner's Office Action mailed 2/13/03 page 2. Close inspection of

not only Col. 3, lines 60-67 of Kleyman but also Kleyman as a whole reveals that Kleyman fails to even mention the words "Asynchronous Transfer Mode" or "ATM". As such, it is impossible for Kleyman to disclose, teach or suggest "a housing for SONET and ATM cards to be placed" or even to suggest a desirability for a switch card interface that can accept an ATM switch card or a SONET switch card.

Given that the Applicant has already maintained that Jones fails to disclose, teach or suggest a switch card interface having inputs/outputs in an arrangement that functionally mates to an ATM switch card and that functionally mates to a SONET switch card (see, Applicant's response mailed 11/18/02 pages 8 – 9) and, moreover, that the Examiner appears to agree with this assertion ("Jones fails to teach of a single card housing for allowing a variety of different cards to be placed in the interface slots particularly SONET and ATM cards" Examiner's Office Action mailed 2/13/03, page 2), it is apparent that the combination of Kleyman and Jones are insufficient to cover each and every element of the Applicant's independent claim 12. Therefore the Applicant respectfully submits that independent claim 12 is in allowable form along with dependent claims 13 through 20.

The Examiner has also rejected independent claim 21 under 35 USC 103 as being obvious under the combination of Jones and "Draughn (US Patent No 6,317,439)". The Applicant is confused because the "Draughn" reference appears to be US Patent No. 6,349,037 B1 while US Patent No. 6,317,439 appears to be more properly referred to as the "Cardona" reference. Irrespective of which reference the Examiner intended to use for the combination with Jones (i.e., Draughn or Cardona), the Applicant can readily dismiss either theory of rejection.

Independent claim now 21 recites:

A method, comprising:

forming a first and second backplane according to a manufacturing process;

integrating said first backplane into an ATM system, said first backplane to receive an ATM switch card for use in said ATM system; and,

integrating said second backplane into a SONET system, said second backplane to receive a SONET switch card for use in said SONET system.

"To establish a *prima facie* case of obviousness ... the prior art reference (or references when combined) must teach or suggest all the claim limitations."

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With respect to the Draughn reference (US Patent No. 6,349,037), it appears that the Draughn reference only discloses that "the switch adapters could be . . . Asynchronous Transfer Mode (ATM) or fast Ethernet based" (Col. 2, lines 57-58). As such, the backplane of Draughn is not disclosed as being capable of receiving a SONET switch card and therefore appears to be nothing more than cumulative in light of the Jones reference. Given that both the Applicant and the Examiner agree that Jones is insufficient by itself to anticipate the Applicant's independent claim 21 ("Jones fails to teach a second backplane used for connectivity and more specifically a first backplane used for ATM and a second backplane used for SONET"; See, Examiner's Office Action mailed 2/13/03 page 5) and given that Draughn is merely cumulative with respect to Jones, the Applicant respectfully submits that the combination of Jones and Draughn is insufficient to cover each and every element of Applicant's independent claim 21.

With respect to the "Cardona" reference, the Applicant respectfully submits that the Cardona reference can not be used as prior art against the Applicant's

claims because the Cardona reference has a filing data of June 3, 1999 and the Applicant has already demonstrated, by way of an 37 CFR 1.131 affidavit filed in the Applicant's Office Action response mailed 11/18/02, that the Applicant's invention date precedes June 3, 1999. Therefore Jones and Cardona is not a legitimate combination. Because claim 21 is allowable, the Applicant respectfully submits that it's corresponding dependent claims (i.e., claims 22 through 31) are likewise allowable.

For all of the foregoing reasons, the Applicant respectfully submits that all rejections have been overcome. As such, the Applicant respectfully requests the allowance of pending claims 12-31 and 33-44.

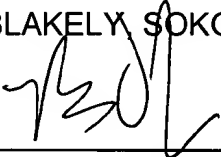
Comments

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of this application, the Examiner is invited to contact Robert B. O'Rourke at (408) 720-8300.

Respectfully submitted,

BLAKELY SOKOLOFF, TAYLOR & ZAFMAN LLP

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Robert B. O'Rourke
Reg. No. 46,972

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1030

(408) 720-8300